

## United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

CRAIG CUNNINGHAM

v.

UPWELL HEALTH, LLC, ET AL.

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Civil Action No. 4:19-CV-894

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(Judge Mazzant/Judge Nowak)

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### **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On July 21, 2020, the report of the Magistrate Judge (Dkt. #69) was entered containing proposed findings of fact and recommendations that Defendants Patrick Grosso and Alison Conrad Wistner's Motion to Dismiss (Dkt. #46) be granted and Plaintiff Craig Cunningham's claims against Defendants Patrick Grosso and Alison Conrad Wistner be dismissed without prejudice. Plaintiff acknowledged receipt of the report on July 27, 2020 (Dkt. #71).

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Defendants Patrick Grosso and Alison Conrad Wistner's Motion to Dismiss (Dkt. #46) is **GRANTED**, and Plaintiff Craig Cunningham's claims against Defendants Patrick Grosso and Alison Conrad Wistner are **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

**SIGNED this 13th day of August, 2020.**

  
AMOS L. MAZZANT